



RDRS – How to access WHOIS data today

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Lars Steffen: Good morning, good afternoon, good evening. Welcome to the webinar, RDRS: How to Access Whois Data Today. My name is Lars Steffen. I'm Head of International Digital Infrastructure and Resilience at eco, Association of the Internet Industry, and this webinar is a collaboration of eco with ICANN, the Internet Corporation of Assigned Names and Numbers.

Our host today is Thomas Rickert. He is Director of Names and Numbers at eco, and our speakers today are, in alphabetical order, Odeline McDonald, she's Associate General Counsel at ICANN. Hopefully, we will also have Prudence Malinki with us from Mark Monitor. There was some confusion about the starting of the webinar, so maybe, fingers crossed, she will join us later. We have with us Adam Peek, he's with the Global Stakeholder Engagement team at ICANN, and Sarah Wyld, she is a Policy and Privacy Manager at Tucows. With this, I would like to hand over to our host Thomas Rickert for the first introductory remarks.

Thomas, the floor is yours.

Thomas Rickert: Thank you so much, Lars, for the kind introduction. My name is Thomas Rickert. I'm Director of Names and Numbers with eco.

I think we should talk a little bit about the history of how we got here, because when the GDPR kicked in in 2018, the ICANN board chose to issue a temporary specification, which then led to an EPDP being installed by ICANN, an expedited policy development process. Expedited in ICANN terms can be a couple of years, and it actually took this group a couple of years to come up with policy recommendations to govern how registration data can be requested, and under what circumstances registration data should be disclosed to the requestor.

That was then turned into the SSAD, the Standardized System for Access and Disclosure. That was too expensive for ICANN's liking, and it was a very feature rich system, if you wish. What we then did is work on a stripped down version, a pilot project to see whether that gets traction in the industry and beyond, for requestors that want to see non-public registration data to be put in touch with the appropriate registrar for the disclosure of that registration data, and I've been fortunate, unfortunate, depending on your perspective, to having been part of the EPDP team as well as of the RDRS standing committee, which is still work that's underway at ICANN.

as you will have noted by now, ICANN is a world of acronym, and there will be some more acronyms, but we're going to explain those during this session. What we're trying to achieve today is give plain language simple explanations of on how registration data for generic domain names can be requested through the system, and, on the other hand, how registrars who have that data are working on processing these requests that are being passed on via ICANN's RDRS to the registrars.

This is part one of a two part series of events that we're planning, so this is the one for those who are not really on the disclosing side of things, that want to learn how they have to manage the RDRS. Also, it's likely nothing for folks who are interested in the entire ICANN infrastructure and how things work policy wise, but this shall be an introductory guide of how things work.

Maybe more importantly, since this is a pilot project, we want to encourage requestors to use the system so that we can work on it to make it better, and ICANN is actually working on making it better through this committee that I just mentioned, namely the RDRS Standing Committee, and Adam and Odeline will also speak to the things that we're currently contemplating to be injected into the RDRS in order to make it more feature rich and in order to make it better.

So, what today is just a snapshot of where we are today, but this is not the end. If you think that this is not good enough, that this is not ready for prime time, shouldn't be coming out of the pilot, then it's on all of us to properly advertise the RDRS, to talk about the benefits, to also talk about the things that you would like the RDRS to have, so that you actually want to use it, we are all ears and we will report back to the RDRS Standing Committee on that.

Hopefully, this is going to be something that everyone appreciates at the global level, because it's one of the beauties of the system, is that you can go to one place, ask for data, and then it's going to be disseminated to whoever is on the other end, at the global level, so that's pretty nice actually.

just give it a listen. Be patient in case you don't find all the features today that you otherwise would've hoped to find. Also, we can't turn back the clock entirely, so there shouldn't be any expectation that the RDRS will give you, freely available, all the data that has been illegally from a European perspective and other privacy regimes, pre-GDPR or pre-May 2018, but we are trying to help. to make it easier for those who have a legitimate right in asking for the data to obtain that data.

The second event that we're going to plan, and there's going to be one more that I'm sure Sarah will talk about, is going to be more about the practitioners, both on the requestor as well as the disclosing side, to talk about real life scenarios, what the issues are in practice today, and how those frictions, if you wish, between those two sides can be mitigated, and how we can come to a consistent decision making that is predictable in terms of outcome.

Now I hope that I could interest you in a little bit more detail, and you're going to get that. So, the way we're going to do this today is we're going to hear from Adam, and Odeline is going to add to that how ICANN sees the RDRS, what it's looked like, what it looks like, what it's for and all that, and also the improvements underway, then if Prudence is going to be with us on time, she's going to talk about the perspective of the requestors. Prudence Malinki is with MarkMonitor, most of you will know that MarkMonitor is a corporate registrar, where basically all the rights holders that have an interest in this data disclosure meeting are their customer, so she's very well versed in their respective needs and can speak to that.

Sarah is sipping on her GDPR mug, which comes in very handy, because not only is she an expert in all things EDPDP and RDRS, but also she's an expert in privacy laws and she will be able to help you understand better how this works from a registrar perspective.

With that, let me hand it over to Adam. The floor is yours.

Adam Peake: Thank you, Thomas. Thank you to Lars and eco for inviting us to join with you in this webinar, and please don't apologize for all the work you've done for us on this topic and many others, Thomas, it's very welcome and very important, so thank you.

As you mentioned, my name is Adam Peake. I work for our Global Stakeholder Engagement Group in Europe. My colleague Odeline MacDonald is here, and she's the General Counsel and looking after a lot of data protection issues, and is definitely the subject matter expert on this topic. We'll try and bounce through these slides quite quickly. They will be available afterwards. Here we are, launched on the 28th of

November. We're about five months in. As Thomas said, it's a pilot, it's a proof of concept. At launch, there were 56 registrars opting in and onboarding, and, at the time, it covered about 51 percent of the gTLDs, generic top level domain names, under management, works out, I think, at about 60 percent of all domain names, something like that. Since then, we've had, 30 more registrars to opt in and join, and this, as Tom has said, is one of the things that we're desperately trying to encourage is... we want to see this to work, and that means that we need requesters. We also need registrars opting into the system.

Again, this is a little bit of the background. We mentioned the WHOIS data service, at the time, it was publicly identifiable information about registrants. GDPR came along and, from 2018, that information was not available. It used to include information about the registrant, so home address, your name, telephone numbers, even fax numbers, and so on and so forth. So, under GDPR that was redacted, and there are various reasons for people wanting to access that information of course, intellectual property, for criminal investigations, for technical issues and investigations of that nature, consumer protection, and so on.

So, until then, that information has been redacted, and we have been seeking, as Thomas mentioned, various ways to give access seekers means to gain a legitimate access to those systems.

Again, as I mentioned, after 2000 everything was redacted. This slide explains some of the lookup processes that used to be available. There is also new look up tools as the WHOIS protocol is being replaced by registration data access protocols, which adds more sophistication in terms of services and support, internationalization of domain names, of their secure access to data, and so on, and you can find more information about RDAP, as it's known, in the link on that slide, not entirely relevant to this presentation, but it shows an evolution of the system that's going on in parallel. This is the complication into how data is being requested.

Now, pre-RDRS, you'd have to first of all look up the domain name to identify which registrar manages that domain name. You'd have to contact that registrar, and those methods could be email or phone or even fax machine or some other method, and so you're actually struggling to find out who to ask to process a request for information that you want about that domain name, so it was complicated. That's the system we're trying to replace.

I will hopefully show us how much simpler requesting data is under the RDRS system. You log into an RDRS account using your ICANN account, and you submit a request through a standardized form or template. So, over the past four months or so, we hope it's been a little easier for users and both the requesters and for the registrars to access and respond to these requests for data.

So, this is where we are, the registration data request service, RDRS, as we will keep saying, connects requesters with registrars to request GTLD data, registrant Data. One of the key features of this system is that as, it is a pilot service, as it is a proof of concept, there are no policy development processes in place to require a registrar to respond to these requests, so it's a voluntary service at the moment, and we will see how that develops.

As Thomas mentioned, there's been a long process of trying to improve the system after GDPR came into place. The process he described as the SSAD, the Standardized Access Disclosure System, went through a long policy development process, and the board was concerned that it was both complex, it was expensive, and while it has many features that would be extremely useful, they wanted to check if, using this RDRS proof of concept system, whether we could implement a simpler system that provided an equal, or not equal but adequate, level of service, and one of the points of RDRS is to learn from this experience, so that we can see, can we develop a system off RDRS as it improves, so that it achieves many of the goals that the SSAD process, that went through the Generic Name Supporting Organization, the board, etc., if it can achieve many of the goals that the SSAD process recommended.

as I said, it's a pilot system. It's going to inform the ICANN board about how to achieve those goals from the SSAD process I mentioned. It will be running for two years, and we're now four or so months within that two year pilot process, and the data is being shared to the ICANN board.

Publicly, it will be reviewed by the community, the committee that Thomas has mentioned he's a member of, to determine what the next steps should be. Do we return back to the SSAD system, or do we have an enhanced version of the RDRS that will meet many of the same goals?

This slide just quickly runs through how the process was developed. It's a process developed by ICANN org. It leverages existing systems used by the registrars, particularly the name service portal, which means that there's a lower cost and lower training etc. process for the registrars who are using the system.

As mentioned, it was launched in November of 2023 as a two year pilot, and so we're into that process now. We're learning how it works.

And how does the system work?

it's a simple process of submitting and receiving requests for non-public GTLD registration data. it comes with a standardized form, so once you learn the format, once you have the form and the templates, you're able to repeat your operations should you have more than requests for information that you want to use, and the registrar is the person who determines whether to disclose the information or not, so the disclosure point is external to the system.

Let's discuss that a little bit more. The first point is that it does not guarantee access to the registration data. Registrars have different methods and criteria for deciding whether disclosure should be made. The communication and data disclosure between the registrar and the requesters takes place outside the system. So, that's a discussion that takes place outside of the RDRS system, and that disclosure then takes place directly between the registrar and the requester.

So, who can use the system? Participating ICANN accredited registrars and requesters who can be anybody seeking non-public data, and this includes individuals, but we're really focusing on specifics such as law enforcement agencies, government agencies, consumer organizations, IP attorneys, cyber security professionals, but I think there's a whole range of, anybody can use the system they register.

That's about the users and use of the system, these are the requests that cannot be supported by the system. a registrar has to have volunteered to be part of the system, and making the domains they have under management available for the request to query. the registry is not involved in this business process.

The requests for non-public registration data are only for gTLDs. ccTLDs are not included in this system, and the domain names that are under the privacy or proxy service providers are not supported by this service, and this is similar to the pre- GDPR system. If you wish to access, data from a, proxy or privacy service, then you have to contact the proxy or privacy service provider and make that request, and that request is done outside of the RDRS system.

There are benefits, which is of course good. As a potential one stop shop for the requesting, you don't have to look up various registrars. If the domain name you're seeking, if the registrar who holds that domain name is within the RDRS system, then you will be able to get access to that data, or make that request for that domain name, because it will be within the system, so it has a one stop shop element to it.

If the registrar is participating, instead of having to respond to different, processes that a registrar might have, you as a requester are using a single type of template and form, so the information you are requesting across the whole registrar group is the same, much easier to do, and it's much easier to upload the correct documentation, whatever that may be for the particular request you're making, because it's outlined in the template, and so you're not having to think about this every time from scratch and responding to different needs. The template guides you through the information that will be requested of you, so that the registrar is getting the adequate information they need.

Notable features. As we said, the template system is ideal. You can save them to your account, so that you're working with similar requests if you're the type of organization that may be submitting multiple requests over a period of time. So it's simplifying your super future submissions on these topics.

There is an expedited review feature. It's a request for faster processing time by the registrar. It does not guarantee accelerated resolution of the requesting process between you, the requester, and the registrar, but registrars are obviously going to take notice of this and respond appropriately. It should not be used for emergency situations, but it can expedite something that you feel is warranted for some faster response from the registrar.

Registrar participation. As we've noted, as I mentioned, it's voluntary from all the ICANN, but all of ICANN's accredited registrars are being very strongly encouraged to participate.

We're hoping that it will make their lives easier, as well as making the RDRS function work. What it will do is benefit the whole system, including the registrars themselves. The board will be able to make a better decision about what to do about the expedited policy development process that Thomas mentioned that was put in place some years ago, so that those recommendations can lead us to a better system that will make it easier, particularly for the registrar group, and, we are working very closely with the registrars. Again, as Thomas mentioned in his introduction, , we're very grateful that they are participating and paying attention, really. It makes the system work.

If you are a registrar, there are, of course, benefits. You have a centralized and standardized form that you're dealing with. smaller registrars, may not have the processes in place. This gives them processes that they can use as standardized. It makes it easier, less staff time, less difficulty in receiving and handling calls, and email and customized web forms, etc., everything is in one place in a standardized way. It might reduce the number of complaints that happen with the ICANN's compliance team. It's improving our processes. There are frequently asked question documents. There's help and functions. So everything that you need as a registrar, there's things there to help you go through this process.

Simplifying the process and simplifying the process is good business, and it's a tool, as I already mentioned, that's being used by all registrars, the naming services portal, it's not something that they have to have training for. It's something that is there within their systems already, there are a lot of advantages on business processes and standardizing requests and so on.

We can get into some of the benefits we've been talking about. Due to transparency of this process, and also so that we can monitor its progress throughout the the 24 months for the whole period, we're doing a lot of metrics and reporting. These take place on a monthly basis, reporting on the number of requests received, the responses, who's making those requests, etc. That information is publicly available, there's a web page listed at the bottom.

There are some particular parts of the metric that are relevant for different groups. Law enforcement, for example, there's a particular form, part of the metric database, that

will help you understand what the requests are from that particular group. The metrics are an important part of both improving the process, but also transparency about how it's working, so that people can judge for themselves what the policy development process is achieving, because it is part of a policy development process.

Some data points, and these are from, I think, it's the middle of April. We've got the total number of requesters who have been using the system, the number of lookup requests, and particularly the ones that were requests to non-participating registrars, because we do not have the whole registrar community participating, and if you put in a request that goes to a registrar that's not in the system, then, of course, you get a null result.

There is one benefit to that, what you've done and what you leave. So you might get no response back from the registrar because they're not in the system, but what you are left with is a very nice PDF document with all the information that you would want to send to a registrar by all of those earlier processes I mentioned, so it's not wasted time. You're going to have to have done it anyway, and you end up with a complete set of information that is particularly useful if you have to continue with that old semi-manual process of a phone call and a PDF and an email, etc. There are about 230 million GTLDs under management at the moment, what this means with the number of registrars that are in process at the moment is that there are about 135 million names under management that you could be gaining access to. I don't want to overemphasize the fact that it is significant that there are non-participating registrars, but there's also a very significant number of names under management that you can gain access to.

Something that Thomas mentioned as a priority for us as we're moving forward. It's not a fixed system for 24 months, there's a rolling process of enhancements that are being made for requesters and also for the registrars, and these are some of the examples that have gone through the GNSO, Generic Name Supporting Organization, Standing Committee, Thomas is a member, to help improve this process. There's more going through the system, and Thomas, I'm sure, can give us an example of those.

The next slide is links that will hopefully be useful to you, and if we move a little bit further, this is all the information. It's changing. It's being updated. FAQs are being updated, of course. I hope this will be useful to you if you want to follow up on how to use the system.

And then the final slide is to say thank you and also to give some links to where ICANN resources are available.

And thank you very much. I hope I haven't spoken for too long. I probably have, but thank you.

Thomas Rickert: Thanks so much, Adam. Odeline, is there anything that you'd like to add to Adam's intervention?

Odeline MacDonald: Oh, just briefly, regarding the improvements that Adam mentioned, indeed, we're working very closely with the GNSO standing committee, and there is like a second wave and third wave of improvements that will be coming up. It's not just ICANN working on the potential improvements, we work on this collaboratively with the community, let's put it, like a representative of the community, and we decide together, prioritize, and then we work with our technical team to put these improvements into the, the RDRS.

So, more is coming, I believe, after our next ICANN meeting in Kigali in June.

Thomas Rickert: Thank you so much, Odeline. The questions?

Lars Steffen: Yes, we have collected a few questions over the time. So, the first question is from Alyssa Litoff, and she's asking, is there a list of registrars who have opted into the RDRS program?

Odeline MacDonald: Yes. If you go to the monthly report, at the bottom of the report, there is the list of the registrars that have opted in. The links are in the last slide that was shared by Adam.

Lars Steffen: Okay, thank you. The next question is from Stefan Radek. Is there anything planned to request and receive publicly available data via an API? For example, I might need in future to verify the company owning a domain, and this should be an automated process.

Odeline MacDonald: The question on the API is a recurrent question, we're looking at this. API requires a lot of investments, and we have to keep in mind that the RDRS is a pilot system for a two year pilot, and we have to see how it evolves and what type of data we're collecting, and we have to also work together with the ICANN board to see what would be the next phase.

It's not something that we are ignoring, it's just something we're parking, working on priorities and developments that can be implemented immediately without costing too much time and effort, and also balancing the needs, as well, for what the system is, being reminded this is a pilot system, but it certainly is a recurrent discussion.

Lars Steffen: I've got also a quite tricky one. This is from Friedrich Tess. As a user, when I want to visit a website or send an email, my request to know to whom I'm giving my data and getting information is legitimate. Do I need to use RDRS? For instance, I've received an email from president at ICANN dot group asking me personal data and leading to www dot icann dot group. Is that the legitimate site of ICANN and a legitimate email? How do I know it?

I am not sure I get the angle of that. of the question, ICANN dot group is not one of us, we're ICANN. dot org. So, I think this is just an example.

Odeline MacDonald: Of course, yes, just want to say, so be alert, we're not a group. I'm not here to define whether or not you have a legitimate interest. You would have to argue this in the request and it would be the registrars to assess whether your request is legitimate or not. It's, of course, a legal argumentation that will need to be put into the form, but I think this is rather maybe a question for Sarah afterwards than it is for me.

Thomas Rickert: Thank you so much, Odeline, for responding to the questions. Now, we do have Prudence with us. I understand that she's not on camera, but she's joined by phone. So welcome, Prudence, and take it away.

Prudence Malinki: Thank you so much for the introduction. . Hi, everyone. My name is Prudence Malinki, I'm the head of Global Industry Relations for a corporate registrar known as MarkMonitor, who has actually signed up for the RDRS program, and today, I'm going to be talking specifically about the experience of requesters, and also what I'm hoping to do today is impart some assistance and insight to help requesters, of which I know there are many on the call today, to help navigate the RDRS system to try and really maximize the likelihood of success, when you do make your requests through the standardised system there.

Okay, so Adam did a fantastic job of explaining the context and the history behind RDRS, and hopefully has set out some information as to what RDRS is, and hopefully what RDRS isn't. However, one of the things I really want to drive home is that this is a trial, and it's being lovingly referred to at the moment as an experiment, and, as such, there is scope for improvement, it is not perfect. If we collaborate together, I think we can try and improve the experience, not just for registrars, but also for you as requesters.

I'm so pleased that there are so many requesters on today's call, and I'm hoping that this can be the start of continued productive collaboration and discussion, and one thing I really want to highlight. The next Kigali, there will be an in person session, which obviously can be attended remotely in any way possible, but this session to do with RDRS is going to be really practical. It's going to have practical examples to help people understand what the pitfalls are, what to avoid, why things haven't been successful, and to give that additional context and framework to ensure that we can start maximizing the likelihood of success when people do submit requests.

Okay, so let's get started. Obviously, anyone here who submitted through RDRS knows it's supposed to be a straightforward, simplistic, three staged submission process. However, we all know and we can all say, of all honesty, it's not as straightforward as it seems, and it's a little bit clunky for both sides, and there's scope to really change and make this better.

So, I'm really hoping that we can all try and figure out ways to make it better for everyone, and API was one of the really great suggestions. I know that's been thrown around by multiple different parties, so hopefully we can get the investment to that going in future.

But, with the three stage process, the success or the likelihood of the request being successful will really be dependent on a number of factors, and one of the primary obvious factors, that's also been pointed out by Adam, that I just want to drive home is that RDRS is wholly dependent on which registrars are engaging and using the system. If they're not using RDRS, then it's highly unlikely that you're going to be able to use RDRS in order to submit your request successfully. So, we all have a vested interest to ensure that we gain as much registrar engagement with this pilot, or this experiment, as possible.

Another element is, when you are submitting your request, it's really helpful to ensure that you identify yourself correctly. So, if you're coming from an IP perspective, identify yourself accordingly. However, if you're a domain investor -- there's no judgment here. I'm not judging you, this is perfectly fine -- you're allowed to use the RDRS too, but don't misidentify yourself for whatever reason, there's no shame in your game.

And also as well, I know I haven't talked about this, I just want to really drive this home too, even though the RDRS, as a system, has an expedited option, and it is there, you can tick it, you can highlight it, there's a couple of things that you really need to factor in and think about. Using the expedited system is still in the discretion of the registrar on record. It's not guaranteed that it will be expedited. And, if you are going to use the expedited option, please make sure that when you are doing it, it is a genuine request that you've made. One of the reasons for a rejected complaint or rejected request for an expedite is where it's a standard trademark request, it's been asked, flagged, for it to be expedited, but obviously it's not going to be expedited because it's a standard IP request. Another thing to factor in, and this is quite important as well, it may seem like common sense, but I just want to say it anyway. If you do genuinely have an emergency, and this is something that needs to be resolved at the earliest instance, then what you really do need to do is not just use the RDRS submission system and make a request, you will still need to reach out to the registrar on record, and please make sure that you do so. The RDRS even has a facility in built to make sure that you have the contact details for the said registrar, to ensure that you are able to reach out and make that additional direct request. Come from multiple angles to really make sure that you're maximizing your likelihood of having the outcome that you want.

Another thing to think about as well is, I know I've touched on this a little bit, having a famous trademark. It matters to you, it matters to me, it matters to our clients, it matters to the trademark holder, the trademark provider, it's not necessarily sufficient for the purposes of an expedited request, so some may not treat it as expedited. They may still provide the information in accordance to their balancing exercise, but just bear

in mind that is not a traditional route. These are intended to be something that is an emergency.

And also, when you are submitting your RDRS request, it will actually give you options to highlight exactly what types of requests can be categorized as an emergency to help you understand, and to help you make that decision as to whether you should tick that button, or whether you should maybe save it for another day, because you don't always have to tick the emergency button, even though it's there, you don't have to do it, you don't have to.

Okay, so another thing to think about as well, is make sure that when you're writing the specific issue in hand, be as clear as you can, but also try and be as concise as you can. You do have quite a few words that you can use there, but be careful with your words and try and be as transparent and clear as possible.

If your issue or your reason doesn't necessarily make sense, or if your issue isn't exactly clear,, if you aren't being clear with the actual issue at hand, then the registrar is not going to understand what you want and may not be able to fulfill your request, so this is your one time to stick the landing, because ultimately what we want is for you to stick the landing, get a 10, and get the data that you need.

However, just to bear in mind, and I know Adam's saying this as well, I'm going to say it too, and I know also as well, Sarah's going to say the same, there's no guarantee of the receipt of the data. The balancing exercise will need to be conducted by registrars, and they do have a discretion as to whether they provide that data or not.

But, what I'm hoping to do is provide some helpful tips and tricks or just gentle nudges and reminders to really help ensure that we can increase your likelihood to get the outcome that you want.

So, the RDRS system's really great in the sense that if you are trying to comply with a legal document, or if you are trying to comply with a court order or a subpoena, it gives you the facility to upload that subpoena. If there are deadlines on said court order, you can provide that data, provide as much salient and relevant information as you can, to ensure that you're able to convey the complexity or the importance of what it is that you're doing.

As well, if you are trying to identify yourself, I'll just say this again, make sure that you identify yourself correctly under the request statement.

Just some additional points here. As I've mentioned before, registrars will have a level of flexibility and discretion and they will apply a balancing test. Even though, and this is why it's going to be so important for us, as requesters, to make sure that we're able to adequately convey why we need the data and to do it in a way that there's much salient

information, salient evidence, and correct information supplied as possible, in order to make sure that there can be no reason why, and if there is still a denial, this is a really good example for stuff that we can discuss during the Kigali meeting, and we can come up with some really practical examples there.

Prudence Malinki: During the March RDRS data report, one of the highest denial reasons is the request being incomplete. I cannot stress this enough. If you have relevant information, always make sure that you submit it. If there is a clear and concise reason as to why you need that data, always try and make sure that you submit that to really make sure that a registrar can truly understand why you need it and compel them to give you what you need.

Another thing to bear in mind, even though one of the categories of requester is a UDRP provider or a UDRP-related entity, remember RDRS is not a mandatory element in order for you to draft or file your UDRP complaint. So, don't feel that you must use this system in order to do a UDRP. I just wanted to make sure that you know that there.

And another thing is, even though this is integrated into the simplistic, allegedly, 3 stage process, always do make sure that, if you are actually doing your search and requesting the data, double check and make sure that the data isn't already available or publicly available to you already, because, again, if that is the case, then this request isn't really going to do anything. It's not going to be beneficial for you at that time.

And another thing, and this was another tip that was provided by a fellow registrar to help you out, if you are engaging as a law enforcement agency or an LEA, or law enforcement is the actual category or request the category that you are applying under, you can't state it enough. You can't overstate it. Keep saying it. If you can't write, I am from law enforcement or I am an LEA, put it as many times as possible, even though there's a category, even though it cannot be stated enough, because that will really help. Differentiate and identify and help categorize when law enforcement agents are making requests as well.

It's the same if you're doing it as an IP person, just make sure that whenever you are making your requests, that it is clear and it is concise as well.

One final thing that I will mention as well is, as I've mentioned before, and as I opened up my slide deck alluding to, RDRS is a pilot, RDRS is an experiment. RDRS is many things, but it is not perfect. As such, there are very clear and distinct limitations as to what is applicable for RDRS at this time, and that includes ccTLDs not being in scope. Nope, they're not part of the RDRS party. Will they join you later? Maybe we don't know, possibly not, maybe you don't know, but at this moment in time they are a definite no.

In fact, the RDRS system has recently been updated, so when you are making your submission or your request, it will clearly state which TLDs are applicable at this time and which ones aren't, so you can very clearly identify whereabouts you should be with

regards to RDRS and whether it is relevant for you in that TLD or the extension that you want the registered data for.

So, we already know that there are some TLDs that are not included as well, that aren't ccTLDs, such as dot gov, or int, or edu. They're not included in the RDRS experience at this time, but we clearly signpost this during the application process. Here's the thing, the RDRS process has a built in checker, so double check, make sure before you click submit, before you finally commit, that you think clearly that it makes sense, that you've conveyed all of the relevant things, you've uploaded all of the relevant additional evidence, information, and context that you can, in order to maximize the success of your application.

That's it for me. I really hope that we can continue these discussions at the next ICANN meeting, and at the next RDRS session, that's for everybody, which I believe shall be in Kigali, and I'll open the floor for any questions, which I may not be able to answer because clearly I'm not ICANN, but yes, happy to answer any questions.

Thomas Rickert: Thanks so much, Prudence. I suggest that since we are a little bit short on time, late in the hour, that we move to Sarah straight away. for all the participants, we're going to go into overtime for a few minutes, and after Sarah's intervention, we're going to take one or two questions. Sarah, over to you.

Sarah Wyld: Thank you so much. Hi everybody, this is Sarah Wyld. I do policy and privacy work with Tucows. I live in Toronto. I'm in the Registrar Stakeholder Group and I am the representative for the Registrars on the RDRS Standing Committee. I'm really happy to be here, and I'm here to share a couple thoughts on the RDRS from the Registrar's perspective.

as we already heard, RDRS is not the goal for the long term platform, it is a pilot project intended to gather data about the volume of requests for the disclosure of previously public gTLD registration data, which will inform the Board's decision about building a broader system. We registrars do believe that participating in the RDRS project is important, even as an intermediary step rather than as an end goal, and even though using it doesn't actually make it easier for registrars to handle requests -- it just doesn't - we support the process and we support the board's need for data on which to base their decision, and, as we heard from Adam earlier, the number of registrars participating continues to increase, which also means that the portion of existing registered domains which can be requested through our RDRS is growing.

while there is some benefit for registrars in that it standardizes request formats, we've also encountered some drawbacks that ultimately means it doesn't really speed things up for us. One of those drawbacks was a design issue where the requester contact info was optional instead of mandatory, but this data is actually something that requesters require as part of our processing, so we've worked with the Standing Committee and

with ICANN to have the system be modified so that data will be required, and we should see that change go live in a few weeks.

Another thing that I can share is that we have found some patterns of information that is often missing from requests. It breaks down into three categories, so hopefully you will find this information helpful and practical.

First, requests need to include a clear explanation of who the requester is and their connection to the domain name being requested. Second, requests need to include a description of why the requester needs the information, or some indication of why the issue at hand would be assisted by having the domain owner's personal data. And finally, requesters should provide details on expected data processing, including how they will use the data, how they will protect the data, and when they will delete the data after they have completed their task.

Sarah Wyld: Now, this might all sound obvious, of course, if I'm making a request, I have to explain who I am and why I think that having the data will help the situation that I'm trying to work through. It is often not provided, and in order for registrars to make a true, balanced evaluation of the rights of the requester against the rights of the data subject, all of that information really is necessary.

with all that said, registrars continue to work with ICANN and with requesters to ensure that requests have everything that we need to process requests efficiently and without a lot of back and forth conversation, so hopefully this conversation is also helpful towards that.

Ultimately, what requesters can expect from the RDRS is a clear path to create requests for previously public registration data, where they should get a response to each request and that response will be clear and understandable, even though, as we heard, it's not necessarily disclosure all the time, every time.

So, this was quick, I know, and just a reminder before I hand back the mic to Thomas and we can have some questions and discussion, as both Thomas and Prudence mentioned, the Registrar Stakeholder Group is hosting a session at ICANN 80, where we will do a deep dive into real example RDRS requests, which we will anonymize, and we will look at what was included in the request and what the outcome was, and hopefully help people to understand why.

Okay, so that was my whirlwind, and happy to discuss further. Thank you.

Thomas Rickert: Thank you so much, Sarah. That was great, and it was concise, so that's great, given the time that we have left on this webinar. Lars, you should see whether or not we have questions.

Lars Steffen: Yes, of course, we've got questions, but we don't have much time left. The first one is, but I think it already addresses, that this is still work in progress, but the question is, I find that the space given for the grounds is quite limited. It is challenging to explain the trademark nature of infringement and the reasons for request. One time the registrar denied our request because apparently we did not specify the actual reason for request. Is our client wanting to contact the registrar to settle the issue amicably not enough for a reason?

Thomas Rickert: Who wants to take that, Sarah or Odeline?

Sarah Wyld: So a couple of thoughts there. Registrars generally have found that the amount of space provided is enough to explain the situation, the relation to the domain name, and how having the registration data would support resolving the situation. So, many people do seem to figure it out, but if it's not enough space there is also the opportunity to add attachments, so you can put it into a document, PDF it, and upload it with the request. If you want to talk to the Registrar to get more information, their contact info should be available through a variety of means, including in the domain's WHOIS and on the Registrar's website, possibly also through the RDRS, I've lost track, and if you disagree -- sorry, it sounded like the end of the question was whether the request was valid or not, and that's not something that any of us can speak to because it is the registrar with which the domain is registered, who makes that determination. Thank you.

Thomas Rickert: Odeline, do you want to add to that?

Odeline MacDonald: Yes, just to add, we also increased slightly the number of characters just to compromise between people who actually need a lot of words to explain, and people who are more concise. The tip about adding the PDF is a very good one. It's always possible to add attachments, so if you need to have a lot of justificational argumentations, please add it in attachments, so it's also easier, I believe, for registrants to process your request.

Thomas Rickert: Thank you so much, and just to illustrate this, in the RDRS team's deliberations, we used the example that should be avoided of the cease and desist letters that maybe most of you, if not all of you, have seen, where the first 20 pages are bragging about how great the trade market is, so leave out all the information that's just for illustration or for other purposes, and limit it to what's really needed for the disclosing side to make a legal assessment for whether or not they can justify legitimate interest for you, to process the request in your favor.

Lars Steffen: We've got two more. The next one is also from OSCE Center from CSE Global. This is, our request was denied because of restrictions in local laws. This sounds like GDPR. Is that not the actual point of RDRS to avoid such restrictions?

Sarah Wyld: I think the point of RDRS is to create a system that is predictable and understandable and usable to submit requests in a manner that once you understand it, you know how to use it, you can do it again, there's a form. The point is not to guarantee disclosure and it sounds like the controller for the data that you were requesting determined that you hadn't demonstrated a legal basis, so that is unfortunate and it might be something to have a further conversation about, but it's not something that RDRS can circumvent. RDRS doesn't go around local law..

Lars Steffen: Yes, have the registrars been sharing among themselves the experience in order to improve both the processes and the consistency of the service to requesters?

Sarah Wyld: Yes, the registrars have done a lot of work in this regard. We have our regular stakeholder group meetings where we talk about the RDRS. We have an email chain where we have shared experiences. I have a Skype conversation with some registrars where we talk about it. There's a lot of different venues for registrars to collect our shared experience.

And then, that information is brought back, by me, to the Standing Committee and shared there. Within the Standing Committee, we have a tracking document where we've noted issues or our impressions of the RDRS. Those are categorized either as RDRS platform functionality, or difficulties with the request itself as submitted by the requester.

The platform functionality issues, they've all been prioritized, and some of those are in progress, as I think it was Odeline had mentioned, and so we're looking forward to seeing some improvements go live around the time of ICANN 80. But yes, we have been very diligently bringing our impressions back to the Standing Committee, and I hope that other stakeholder groups and supporting organizations will do the same.

Thomas Rickert: And I guess on that uplifting note, it's a good opportunity for us to adjourn. Let me thank you for your patience, for, staying longer than anticipated. Thank you for your participation, and, most importantly, thanks to the speakers. Thanks to Sarah, thanks to Prudence, thanks to Odeline, thanks to Adam. Thanks to Lars and to Rene, who is the technical wizard in the background for making sure that everything runs so smoothly. Watch out for the next webinars on this topic, and I hope that we can jointly make this a success. Have a great day. Bye bye for today.